

U.S. Patent Application Serial No. 10/642,260
Response filed July 5, 2005
Reply to OA dated April 4, 2005

REMARKS:

Claims 1-15 are currently pending. Claims 1-7 and 11-15 are currently being considered, of which claims 1, 3, and 5 have been amended, and claims 11-15 have been added. No new matter has been introduced. Claims 8-10 have been withdrawn from consideration. The Examiner has indicated that claims 5 and 6 set forth allowable subject matter.

CLAIMS 5, 6, 11, AND 12:

The Examiner has objected to claims 5 and 6 as being dependent upon a rejected base claim, and has noted that claims 5 and 6 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Previous claim 5/4/1 has been rewritten in independent form (see claim 5, as amended) except for the following changes: "the deflection members each guiding" (claim 5, as amended, line 22) is replaced with --the shield disk to guide--, and --to the eye to be operated-- has been added to claim 5, as amended, lines 27-28. Claim 6 depends from claim 5, as amended.

Previous claim 5/4/2/1 has been rewritten in independent form (see newly added claim 11) except for the following change: --so as to cope with the shape of the deflection members-- is inserted after "switch the deflection members" (claim 11, line 21).

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The newly added claim 12 corresponds substantially to previous claim 6/5/4/2/1, in view of the above.

Thus, Applicants respectfully submit that the objection to claims 5 and 6 should be withdrawn, and respectfully submit that claims 5, 6, 11, and 12 are in condition for allowance.

CLAIMS 1-4, 7, and 13-15:

The Examiner has objected to claim 3 due to a noted informality relating to the term “preferably”. Claim 3, as amended, does not set forth “preferably”. Thus, Applicants respectfully submit that the objection to claim 3 should be withdrawn.

Claims 1 and 2 stand rejected under 35 USC 102(b) as anticipated by USP 5,760,952 (**Koetke**).

Claim 3 stands rejected under 35 USC 103(a) as obvious over **Koetke**.

Claims 4 and 7 stand rejected under 35 USC 103(a) as obvious over **Koetke** in view of USP 5,627,613 (**Kaneko**).

Applicants respectfully traverse the rejections under 35 USC 102, 103.

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Koetke and Kaneko, alone or in combination, fail to describe, teach, or suggest the following features of **previous claim 3**: “an oblique angle of 1.5 to 2.5 degrees” with respect to the optical axis of the observation optical system, in combination with the other claimed features. Additionally, such a combination of features would not have been obvious to one of ordinary skill in the art at the time the invention was made. Applicants have newly added independent claim 14 which incorporates aspects of previous claims 1 and 3 in independent form. Thus, Applicants respectfully submit that **claim 14** is not taught or suggested by **Koetke and Kaneko**, alone or in combination.

Koetke and Kaneko, alone or in combination, fail to describe, teach, or suggest the following features of **claim 7**: “wherein one deflection member of the pair of deflection members and the third deflection member are integrally formed”, in combination with the other claimed features. Additionally, the Examiner has not explained which reference(s), if any, could show members integrally formed as set forth in claim 7. Also, the Examiner has not explained how any reference could show members integrally formed as set forth in claim 7. Applicants have newly added independent claim 15 which incorporates aspects of previous claims 1, 4, and 7. Thus, Applicants respectfully submit that **claim 15** is not taught or suggested by **Koetke and Kaneko**, alone or in combination.

Koetke and Kaneko, alone or in combination, fail to describe, teach, or suggest the following

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features of **claim 1, as amended**: “wherein the deflection means further includes a third deflection member that guides a third part of the illumination light to the eye to be operated at an oblique angle larger than those for the pair of deflection members with respect to the optical axis of the observation optical system, the operation microscope further comprising: an emitting region adjusting means for adjusting an emitting region of the illumination light from the light source selected from one of the 1st, 2nd, and 3rd or plural deflection members by switching one part of the illumination light so as to cope with the shape of the deflection members to be guided to the eye to be operated”, in combination with the other claimed features.

The newly added **claim 13** depends from claim 3 and incorporates the phrase “2 degrees” of previous claim 3.

Thus, Applicants respectfully submit that the rejections under 35 USC 102, 103 should be withdrawn, and Applicants respectfully submit that claims 1-4, 7, and 13-15 are in condition for allowance.

In Fig. 10, “swtich” has been changed to --switch--. A replacement sheet is attached.

In view of the aforementioned amendments and accompanying remarks, all claims currently being considered are in condition for allowance, which action, at an early date, is requested.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,
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PATENT TRADEMARK OFFICE

Enclosures: Replacement Sheet of Drawing (Fig. 10)

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AMENDMENT TO THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 10. This sheet replaces the original sheet including Fig. 10. In Fig.10, “swtich” is changed to --switch--.